

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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PARAGON TAX GROUP, LLC,

Plaintiff,

v.

BROADVIEW NETWORKS HOLDINGS INC.,  
INFOHIGHWAY COMMUNICATIONS CORP.,  
ATX COMMUNICATIONS, INC., and  
CORRCOMM ATX, INC.,

Defendants.

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CIVIL ACTION

No. 11-1699

**ORDER**

**AND NOW**, this 20th day of January, 2012, upon consideration of the Motion for Summary Judgment filed by Broadview Networks Holdings Inc. (“Broadview”), Infohighway Communications Corp., ATX Communications, Inc. and Corrcomm ATX, Inc. (collectively, “Defendants”) (Doc. No. 8), and Plaintiff Paragon Tax Group, LLC’s (“Plaintiff”) Motion for Summary Judgment (Doc. No. 9), it is hereby **ORDERED** that:

1. Defendants’ Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART**;
2. Plaintiff’s Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART**;
3. Plaintiff’s Motion for Summary Judgment regarding its breach of contract claim in Count I is **GRANTED**. Judgment is entered in favor of Plaintiff for \$359,415.40, based upon the terms of the Contract;

4. Plaintiff's request for pre- and post-judgment interest and costs is  
**GRANTED;**
5. Defendants' Motion for Summary Judgment pertaining to Count I is  
**DENIED;**
6. Counts II and III for quantum meruit and unjust enrichment are **DENIED  
AS MOOT;**
7. Plaintiff's Motion for Summary Judgment regarding its claim for declaratory  
judgment in Count IV is **DENIED** as unripe because liability is contingent  
upon future events; and
8. Defendants' Motion for Summary Judgment regarding Count IV is  
**GRANTED.**

BY THE COURT:

/s/ Robert F. Kelly  
ROBERT F. KELLY  
SENIOR JUDGE